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COMMISSION

Atchison, KS 66002

2014 AUG 15 PM 6:15

July 30, 2014

OFFICE OF GENERAL
COUNSEL

Office of General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 24063

MUR # 6871

Dear Sir or Madam:

This letter serves as notice of complaint against Joshua J. Tucker, candidate for U.S. House of Representatives in Kansas's Second District.

On July 26, 2014, a fellow voter in the Second District received and recorded an automated telephone call from a person purporting to be Mr. Tucker. This message included no disclaimer indicating the organization or person financially responsible for this electioneering activity.

A transcript of the call is included below. An audio recording is also available at the Commission's request.

"Hello, this is Joshua Tucker and I am the constitutional conservative Republican running for U.S. House district 2 in Kansas. I'm calling to ask for your vote. Currently we are not being represented in Congress by a principled Republican. Unlike my opponent Lynn Jenkins, I will stand on principle, not behind John Boehner and the rest of the establishment leadership in Washington D.C., who have been highly ineffective at stopping Obama and the Democrats. I am pro-free markets, pro-state sovereignty, and the only candidate that supports the Second Amendment 100%. I am pro-life, anti-amnesty, and pro-military. I ask for your vote so that your constitutionally protected rights are secured and we can return fiscal sanity to Washington D.C. Most important, I will support and defend the system of government that was originally intended to be limited by the U.S. Constitution. Remember the Constitution is my special interest. Thank you and God bless you. You can learn more about me at TuckerforCongress.com. I'm Joshua Tucker, and I approve this message."

Whereas, Mr. Tucker's public communication clearly meets the requirements of unambiguous express advocacy of the election of a specified federal candidate, as defined by FEC regulation §100.22; whereas, FEC regulation §100.28 defines a telephone bank as "... more than 500 telephone calls of an identical or substantially similar nature within any 30-day period;" whereas, §110.11(a)(1) dictates "The following communications must include disclaimers, as specified in this section: all public communications, as defined in 11 CFR 100.26, made by a political committee..."; accordingly, it is my opinion Mr. Tucker's automated electioneering message clearly meets the Commission's definition of a "telephone bank." Consequently, due to Mr. Tucker's failure to include the proper disclaimer, I believe Mr. Tucker to be in violation of the Federal Election Campaign Act.

I appreciate your detailed attention and investigation into this matter.

Respectfully submitted,

Derek P. Franklin

Derek P. Franklin

SWORN TO AND SUBSCRIBED before this 31st day of July, 2014.

Notary, State of Kansas

G. M. Bell

